

REMARKS

This amendment is being filed in response to the Notice of Non-Compliant Amendment mailed July 8, 2009 and further in response to the Final Office Action mailed June 15, 2009. In the Final Office Action mailed June 15, 2009, claims 1-6, 8, 10, 45-49 and 60-66 were allowed. Claims 54-56 were objected to based on preamble informalities. Claims 12 and 67 were objected to as being substantial duplicates of Claim 1. Claim 50 was objected to as being a substantial duplicate of claim 45.

In response, Applicant has amended the preambles of claims 54-56 in conformance with the comments of the Office Action to remedy the objection thereto. Accordingly, claims 54-56 should be allowable.

In response to the objection to claim 12, Applicant has amended claim 12 to eliminate duplicate language and to make claim 12 dependent on claim 1. As amended, claim 12 now recites a more specific “ascending/descending” order for the “varying” hue and chroma arrangement recited in Claim 1. Claims 13-15, dependent on claim 12, have been cancelled as they duplicate other claims dependent from Claim 1. Claim 57, previously dependent on Claim 12 has been amended to depend from Claim 1 and dependent claims 58-59 have been amended accordingly.

A similar amendment has been made to claim 50, making it dependent from claim 45 and eliminating duplicate language other than the more specific “ascending/descending” recitation. Claims 51-53, dependent from Claim 50, have been cancelled as they duplicate claims dependent from Claim 45. A few other amendments to remedy minor informalities have been made.

Applicant Requests Reconsideration Of the Objection to Claim 67

With respect to the objection that claim 67 is duplicative of Claim 1, Applicant respectfully requests reconsideration. Applicant sets forth below pertinent recitation of Claims 1 and 67 adjacent one another:

Claim 1	Claim 67
(1) a first plurality of physical paint sample cards arranged on the display unit according to groups of different hue and chroma with the paint colors on the physical paint sample cards varying in hue, in a first direction, and varying in chroma, in a second direction; and	(1) a first plurality of physical paint sample cards, <u>each of the plurality of physical paint sample cards having one or more paint colors displayed thereon, the one or more colors being selected and positioned such that</u> the first plurality of physical paint sample cards are arranged adjacent one another such that the colors thereon vary in hue in a first direction and vary in chroma in a second direction; and
(2) one or more physical color combination paint sample disposed adjacent to <u>each group of different hue and chroma physical paint sample cards</u> , each physical color combination paint sample card containing <u>a plurality of paint samples having the same base hue as the hue of the group it is adjacent to.</u> and a picture of a building or a room painted with the plurality of colors on the physical color combination paint sample card.	(2) one or more physical color combination paint sample cards arranged adjacent to <u>a first selected group of said physical paint sample cards</u> , each physical color combination paint sample card containing a plurality of paint samples, each paint sample having a respective color, <u>one of the paint samples having a hue which is the same as a base hue of the first selected group of said physical paint sample cards</u> , each respective physical color combination paint sample card further having a picture of a building or a room painted with each of the plurality of respective colors of each of the paint samples on that physical color combination paint sample card.

Applicant has underlined the claim language differences to show that Claims 1 and 67 are not substantial duplicates of one another.

As may be seen, the second listed limitations “(2)” of Claims 1 and 67 differ materially in scope in that Claim 1 recites “one or more physical color combination paint sample cards disposed adjacent to each group of different hue and chroma paint sample cards,” while Claim 67 recites “one or more physical color combination paint sample cards arranged adjacent to a first selected group of said physical paint sample cards.” Additionally, the second listed limitation of Claim 1 recites “a plurality of paint samples having the same base hue...”, while that of Claim 67 recites “one of the paint samples having a hue which is the same as a base hue...”

To further highlight the fact that Claims 1 and 67 are not substantial duplicates of one another, Applicant observes that the first listed limitation “(1)” of Claim 1 contains 47 words, while the adjacent limitation of claim 67 contains 70 words. Similarly, the second listed

recitations "(2)" of these two Claims contain 73 words and 110 words, respectively. Thus, in some instances, Claim 67 contains more specific recitations than Claim 1. As may be seen, for example, the first limitation "(1)" of Claim 67 contains the underlined 28 word recitation "each of the plurality of physical paint sample cards... positioned such that..." which is entirely absent from Claim 1.

For these reasons, Applicant respectfully submits that Claim 1 and 67 are not substantial duplicates and respectfully requests withdrawal of the objection to Claim 67, which would place the application in condition for allowance.

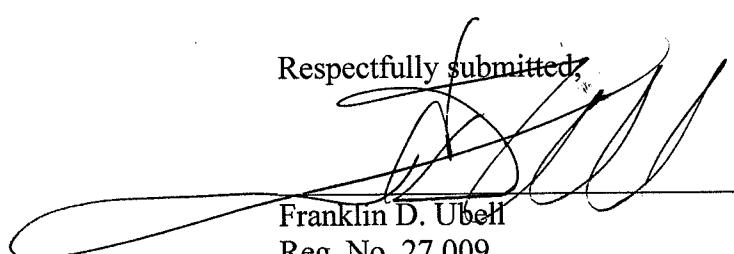
CONCLUSION

Applicant believes that this case is now in good condition for allowance, and an early Notice of Allowance is earnestly solicited. If a telephone or further personal conference would be helpful, the Examiner is invited to call the undersigned, who will cooperate in any appropriate manner to advance prosecution.

The Commissioner is hereby authorized to charge any required fee in connection with the submission of this paper, or to credit any overpayments to Deposit Account Number **50-2638**. Please ensure that Attorney Docket Number 076360.011600 is referred to when charging any payments or credits for this case.

Date: July 24, 2009

Respectfully submitted,


Franklin D. Ubell
Reg. No. 27,009
(949) 732-6551

Customer Number 33717
GREENBERG TRAURIG, LLP
2450 Colorado Avenue, Suite 400E
Santa Monica, CA 90404
Phone: (949) 732-6500
Fax: (310) 586-7800
email: laipmail@gtlaw.com